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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,955	07/31/2001	Ken Takashima	FUJO 18.888	2572
26304	7590	11/03/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			TORRES, MARCOS L	
			ART UNIT	PAPER NUMBER
			2687	
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

9/3

Office Action Summary	Application No. 09/918,955	Applicant(s) TAKASHIMA ET AL.	
	Examiner Marcos L Torres	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7-31-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Abu-Amara and further in view of Sasamoto.

As to claims 1 and 2, Beming discloses a mobile communications system which is configured by at least a fixed network local exchange, the first and a second base station controller subordinate to the fixed network local exchange, and a first group of base station transceivers subordinate to said first base station controller and a second group of base station transceivers subordinate to said second base station controller (see col. 1, lines 30-42; fig. 14). Beming does not specifically disclose a first inter-controller SW unit between said first group of base station transceivers and said first base station controller; and a second inter-controller SW unit between said second group of base station transceivers and said second base station controller; wherein said first inter-controller SW unit relays voice data and control information to said second controller SW unit to enable transmission of data or information between said first base station controller and said second group of base station transceivers. Abu-Amara discloses a first inter-controller (router) unit between said first group of base station transceivers and said first base station controller; and a second inter-controller (router) unit between said second group of base station transceivers and said second base station controller; wherein said first inter-controller (router) unit relays voice data and control information to said second controller (router) unit to enable transmission of data or information between said first base station controller and said second group of base

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station transceivers (see col. 3, line 22 – col. 4, line 16). Abu-Amara discloses that the router is part of the base station controller (see fig. 2). Sasamoto discloses that the router is located apart from the base station controller (see fig.1). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for a reliable and faster data communication handling.

As to claim 3, Abu-Amara discloses the mobile communications system wherein said first inter-controller SW unit determines a routing method for the voice data based on the received control information (see col. 3, line 22 - col. 5, line 67).

As to claim 4, Abu-Amara discloses the mobile communications system according to claim 1, wherein each of said base station controllers generates control information based on an identifier of a base station transceiver of a respective group of said base station transceivers, to which a mobile station belongs (see col. 3, line 22 - col. 5, line 67).

As to claim 5, Beming does not specifically disclose the mobile communications system wherein the first base station controller performs hand-off control via said first inter-controller SW unit based on voice quality information from a mobile station. However, OFFICIAL NOTICE IS TAKEN THAT the technique of performing hand-off control based on voice quality information from a mobile station is a common and well-known technique. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this feature to the modified Beming system for an uninterrupted communication.

Regarding claims 9-13, they are the corresponding method claims of system claims 1-5. Therefore, claims 9-13 are rejected for the same reason shown above.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Abu-Amara and further in view of Sasamoto as applied to claims 1-5 and 9-13 above, and further in view of Hanley.

As to claim 6, Beming does not specifically disclose the mobile communications system wherein pluralities of controller units are connected by an optical communications path. Hanley discloses the mobile communications system wherein pluralities of controller units are connected by an optical communications path (see col. 5, lines 10-15). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique in the modified Beming system for a reliable and fast delivery of data.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Abu-Amara and further in view of Sasamoto as applied to claims 1-5 and 9-13 above, and further in view of Mitts.

As to claim 7, Beming disclose everything claimed as explained above except for using an ATM communication system. Mitts disclose using an ATM communication system (see fig. 5-8). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique for the simple purpose of compatibility.

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8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beming in view of Abu-Amara and further in view of Sasamoto and further in view of Mitts as applied to claim 7 above, and further in view of Clancy.

As to claim 8, Ishii does not specifically disclose the mobile communications system wherein the data is exchanged with a composite cell. Clancy discloses the mobile communications system wherein the data is exchanged with a composite cell (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for the simple purpose of enhanced coverage.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Suzuki U.S. Patent US006574475B1
- b. Jiang U.S. Patent US006519457B1
- c. Kakani U.S. Patent US006775533B2

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 703-872-9306

For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

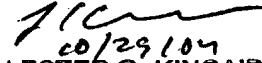
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G Kincaid can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2687

Mlt


20/29/04
LESTER G. KINCAID
PRIMARY EXAMINER